

# **Defendant's Exhibit 22**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

**MDL NO. 2843**

CASE NO. 3:18-MD-02843-VC-JSC

Hon. Vince Chhabria

Courtroom 4 – 17th Floor

Special Master: Daniel Garrie, Esq.

**ORDER REGARDING OUTSTANDING  
ADI ISSUES**

**JAMS REF. NO: 1200058674**

## BACKGROUND

1. On September 8, 2021, Judge Corley issued an order granting Plaintiffs' motion to compel the production of materials in connection with Facebook's app developer investigation ("ADI") that involved a review of all "apps that had access to large amounts of data before [Facebook] changed [its] platform policies in 2014." See <https://about.fb.com/news/2019/09/an-update-on-our-app-developer-investigation/>.

2. Pursuant to the order:

On or before September 21, 2021, Facebook shall produce the background and technical reports, audits and developer interviews of the six exemplar apps chosen by the parties as Facebook has offered no special reasons why those particular documents are privileged other than what has been addressed. The parties shall work with the Special Master regarding production of additional materials consistent with the guidance offered by this Order. See Exhibit A (Order Granting Motion to Compel ADI Materials).

3. Pursuant to Judge Corley's order, Facebook produced 11 documents related to the ADI. Following this production, Plaintiffs raised multiple issues in connection with Facebook's ADI production and requested "all memoranda prepared by FTI Consulting and/or Stroz Friedberg related to ADI of all apps it investigated or investigated at Facebook's direction, the background and technical reports, audits, and developer interviews, and internal Facebook communications regarding these materials (including those pertaining to the six exemplar apps)." See Exhibit B (Plaintiffs' Email of September 24, 2021).

4. The parties subsequently met and conferred regarding Facebook's ADI production and it appears based the parties' correspondence that there remain outstanding issues with respect to ADI. Specifically, Plaintiffs "request that Facebook produce the following documents related to phases two and three of the ADI: (1) All memoranda prepared by FTI Consulting or Stroz Friedberg; (2) All background reports, technical reports, audits, and developer interviews; (3) All internal Facebook communications relating to items 1 and 2; (4) All communications

with FTI Consulting or Stroz Friedberg related to items 1 and 2.” See Exhibit C (Plaintiffs’ Email of October 20, 2021).

**ORDER**

5. Special Master Garrie finds that additional briefing is necessary to identify the outstanding issues regarding ADI and assist Special Master Garrie in resolving such issues with parties.

6. No later than October 25, 2021, the parties are each to submit to Special Master Garrie a statement regarding the outstanding ADI issues. Each statement is to identify each issue in plain language, provide an example representing each issue (not to exceed one paragraph), and state the party’s position on the issue (not to exceed two paragraphs).

7. No later than November 4, 2021, the parties are to submit a response statement with respect to each issue stating their position (not to exceed one paragraph).

8. The parties are to coordinate with JAMS to make themselves available for a hearing regarding these issues on November 11, 2021.

**IT IS SO ORDERED.**

October 26, 2021



Daniel Garrie  
Discovery Special Master